

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 05, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs. Finley, Leland James Docket No. 0980 1:19CR02055-SMJ-1

Petition for No Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Leland James Finley, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke, sitting in the court at Yakima, Washington, on the 21st day of February 2020, under the following conditions:

Special Condition #7: Defendant shall obtain a portable Breathalyzer and be subject to testing up to six times per day. Defendant is responsible for the cost of the device.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Mr. Finley is alleged to be in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer testing as required on January 2, 2021, during his 5 a.m. to 8 a.m. testing time frame.

Conditions of pretrial release were reviewed and signed by Mr. Finley on February 24, 2020, acknowledging an understanding of his pretrial release conditions including special condition number 7.

On January 2, 2021, this officer received a report via email from Smart Start, the portable Breathalyzer testing program Mr. Finley is participating in, advising he failed to submit to his required test as scheduled on January 2, between 5 a.m. and 8 a.m. Upon receiving the report, this officer made contact with Mr. Finley via text message and asked why he missed his test. Mr. Finley advised he was at his mother's house watching his nieces while his sister was at work, and he did not bring his charger with him. Mr. Finley did not submit a makeup test, nor did he submit another test until 12:45 p.m., which tested negative. Mr. Finley was reminded he is required to keep all equipment needed for testing with him at all times.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: 01/05/2021

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer


Re: Finley, Leland James

January 5, 2021

Page 2

THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

1/5/2021

Date